

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DAVID HARRISON,)	
)	
Plaintiff,)	
vs.)	NO. CIV-13-0783-HE
)	
CAROLYN W. COLVIN,)	
Acting Commissioner of the Social,)	
Security Administration)	
)	
Defendant.)	

ORDER


Plaintiff David Harrison filed this action seeking review of the final decision of the Commissioner of the Social Security Administration denying his application for disability insurance benefits. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Shon T. Erwin, who has recommended that the Commissioner's decision be reversed and the matter remanded for further proceedings. The magistrate judge concluded that one of the hypothetical questions that the administrative law judge posed to the vocational expert did not properly reflect plaintiff's residual functional capacity. Because of that error, the magistrate judge concluded that the decision of the ALJ was not supported by substantial evidence and that reversal of the Commissioner's decision was therefore required.

Having failed to object to the Report and Recommendation, the parties have waived their right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996); *see* 28 U.S.C. §

636(b)(1)(C). Accordingly, the court adopts the Report and Recommendation, **REVERSES** the final decision of the Commissioner and **REMANDS** the case for further proceedings consistent with the Report and Recommendation, a copy of which is attached to this order. This decision does not suggest or imply any view as to whether plaintiff is or is not disabled, or what result should be reached on remand.

IT IS SO ORDERED.

Dated this 22nd day of September, 2014.



JOE HEATON
UNITED STATES DISTRICT JUDGE